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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/408,563	03/22/95	KAHLECK	C P19567.14-US

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EXAMINER

GORDON, P

ART UNIT	PAPER NUMBER
2306	6

DATE MAILED:

02/03/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 11-12-96

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 MO month(s); or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-47 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-47 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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Part III DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1-3, 8, 15, 23, 34, 35, and 39 43 rejected under 35 U.S.C. § 102(b) as being anticipated by Mii(5,282,127).

Claim Rejections - 35 USC § 103

3. Claims 4-14, 16-22, 24-33, 36-38, 40-42, 44-47 are rejected under 35 U.S.C. § 103 as being unpatentable over Mii(5,282,127).

Response to Amendment

4. Applicant's arguments filed November 12, 1996 have been fully considered but they are not deemed to be persuasive.

It is understood that the applicant's claimed invention monitors office machinery usage information through a foreign interface or device attached to the office machine externally. The module 10 of applicant's figure 1 is essentially claimed to be the device being attached and used to monitor the various office machinery in the system. Furthermore, these devices explicitly monitor usage management data of the office machinery and are not intended to

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monitor diagnostic or abnormality information like the Mii reference is characterized to only perform.

The examiner agrees that the argument presented does appear to distinguish a clear difference between the applied reference and the applicant's portrayal of their system. However, the claims are not directed toward a device attached to a office machine for reporting usage signals concerning the machine being monitored. The claims are specifically directed to remote monitoring and managing office machinery via a communications network. In order to overcome the applied reference the claims should directed to an externally attached office machine device as disclosed and depicted in the specification. As presently claimed, Mii's system continues to anticipate each feature of claims 1 and 34, even usage signals are communicated back to host computer for managing or scheduling purposes.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED

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FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Gordon whose telephone number is (703) 305-9760 or FAX (703) 305-9724.


PAUL P. GORDON
PRIMARY EXAMINER
GROUP 2300

ppg
January 30, 1997